

Article: _____

To see if the Town will vote to amend the Town of Ashburnham's zoning map entitled "Zoning Map of Ashburnham, Massachusetts", dated August 27, 2007, and on file as subsequently amended, and referenced in Section 2.21 of the Town's Zoning Bylaws by deleting the VC Zoning District and creating a New VC-C (Village Center – Commercial) and VC-R (Village Center – Residential) Zoning District and portions of the old VC Zoning District shall be rezoned RA (Residential - A). And, further to amend the Ashburnham Zoning Bylaw, sections 1.5, Definitions; 2.1, Types of Districts; 2.2, Location of Districts; 3.2, Schedule of Use Regulations; 4.2, Schedule of Dimensional Regulations (Table 1), 5.12.3 Adult Entertainment Overlay District, and adding a new section 3.35 Village Center Special Conditions, as follows, or act in relation thereto. *(Requested by Village Center Zoning District Study Committee and the Planning Board)*

NOTE: all additions are noted in ***bold and italicized*** text. Deletions or alterations to existing text are shown as ~~crossed-out~~ text.

1.5 Definitions

In this By-Law, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

Seasonal Farm Stand Non-exempt - Facility for the sale of produce, wine and dairy products on property non-exempted by M.G.L. Chapter 40A, Section 3, operated on a non year round basis.

Pushcart – any wagon, cart, trailer or similar wheeled container, not a self-propelled “motor vehicle” as defined in M.G.L., Chapter 90, Section 1, from which food or beverage is offered for sale to the public

SECTION 2. USE DISTRICTS

2.1 Types of Districts

For the purpose of this By-Law the Town of Ashburnham is hereby divided into the following districts:

R-A Residential

R-B Residential

B Business

~~V-C Village Center~~

VC-C Village Center Commercial

VC-R Village Center Residential

I Industrial

W Wetland and Watershed Protection

WSP Water Supply Protection (Overlay) District

F Flood Plain District

LI-A Light Industrial

LI-B Light Industrial

G-B Green Business

The Village Center ***Commercial (VC-C) and Village Center Residential (VC-R) Districts*** are intended to foster appropriate reuse of existing structures and new construction within the downtown area in harmony with the historic character and dense development pattern of the downtown.

The Water Supply Protection District is an overlay district encompassing all lands within the Town of Ashburnham, lying within the watershed of the Upper Naukeag Lake Reservoir, which now provides public water supply. This overlay district is superimposed on the zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and/or expanded uses. Applicable activities or uses which fall within the Water Supply Protection District must comply with the requirements of this district as well as with the underlying zoning. All regulations of the Town of Ashburnham Zoning By-Laws shall remain in effect.

The LI-A and LI-B Light Industrial districts shall include light manufacturing, retail, business, and office as allowed in the Schedule of Use Regulations. The purpose of this district is to provide areas for industrial and commercial uses in an open setting that will not have objectionable influences on adjacent residential and commercial districts and are not dangerous by reason of fire or explosion, nor injurious or detrimental to the neighborhood by reason of dust, odor, fumes, wastes, smoke, glare, noise, vibration or other noxious or objectionable feature as measured at the nearest property line.

The Green Business is intended to foster businesses that will support tourism and passive and outdoor recreation while preserving the natural beauty and ecological significance of the area.

2.2 Location of Districts

2.21 Districts R-A, R-B, B, ~~V-C~~, ***VC-C, VC-R***, I, G-B, LI-A, LI-B, W and WSP are located and bounded as shown on a map entitled “Zoning Map of Ashburnham, Massachusetts”, dated May 2, 2009, and on file as subsequently amended in the offices of the Town Clerk and the Zoning Enforcement Officer.

G-B: Route 119 from the Ashby town line to the New Hampshire state line 2000 feet on either side of the road, excluding the existing business district already designated at Route 119 and Route 101, as depicted on the map referenced above.

LI-A: Light industrial use from South Pleasant Street to the Gardner line on the south side of Route 101 and southwest of the railroad bed on the north side of Route 101 overlaying the already established industrial zone, but excluding any residentially zoned parcels in this area, as depicted on the zoning map.

LI-B: Light industrial use along Route 12, starting 1000 feet beyond Hunter Avenue on the north side of Route 12 and continuing along Route 12 to the Winchendon town line and on the south side of Route 12 as depicted on the map referenced above.

~~The Village Center District is the area described as follows:~~

~~**South of Main Street:** The area bounded by Pleasant Street, Puffer/Academy Street, Maple Avenue and Main Street; Main Street from Lawrence Street to Corey Hill Road 300 feet on either side of the road; Main Street from Maple Avenue to River Styx Road 300 feet on either side of the road.~~

~~**North of Main Street:** The area bounded by Lawrence Street, Park Street, Memorial Drive and Main Street; Water Street from Main Street to Cotton Mill Dam 300 feet on either side of the road.~~

SECTION 3. USE REGULATIONS

3.1 Basic Requirements

No building, structure, or land shall be used for any purpose or in any manner other than as permitted and set forth in Section 3.2, Schedule of Use Regulations, of this By-Law and in accordance with the following notation:

- | | | |
|----|------------------|--|
| Y | (Yes) | - User permitted as a matter of right. |
| Sp | (Special Permit) | - Use allowed as an exception under Special Permit by the Board of Appeals <i>or Planning Board</i> as provided hereafter. |
| N | (No) | - Use prohibited. |

Uses permitted as a matter of right and uses allowed by the Board of Appeals shall be in conformity with all dimensional requirements, off-street parking requirements, and any other pertinent requirements of this By-Law.

The Planning Board is designated as the Special Permit Granting Authority (SPGA) for all Special Permits requiring Site Plan Review under section 5.10 of this bylaw.

3.2 Schedule of Use Regulations

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
3.21 Public, Semi Public and Institutional												
a. Church or other place of worship, parish house, rectory, convent, and other religious institutions.	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	Y	Y
b. Church or other place of worship, parish house, rectory, convent, and other religious institutions.	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	Y	Y
c. Colleges or junior colleges and buildings accessory thereto.	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	Y	Y
d. Nursery school or other use for the care of children or a privately organized camp.	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	Y	Y
e. Library, Museum or civic center.	SP	SP	SP	N	N	SP	Y	<i>Y</i>	<i>Y</i>	N	N	N
f. Public buildings and premises for government use.	SP <i>Y</i>	SP <i>Y</i>	SP <i>Y</i>	SP <i>Y</i>	SP <i>Y</i>	Y	Y	<i>Y</i>	<i>Y</i>	SP <i>Y</i>	SP <i>Y</i>	SP <i>Y</i>
g. Public utility buildings and structures.	SP <i>Y</i>	SP <i>Y</i>	SP <i>Y</i>	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	SP <i>Y</i>	SP <i>Y</i>
h. Hospital, sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional use.	SP	SP	N	N	N	Y	SP	<i>SP</i>	<i>N</i>	N	N	N
i. Flood control or water supply use.	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	Y	Y
j. Country or tennis club, or other	SP	SP	SP	N	SP	SP	SP	<i>SP</i>	<i>N</i>	SP	SP	SP

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
non-profit social, civic, or recreational lodge or club, but not including any use, the principal activity of which is one customarily conducted as a business.												
k. Conservation or preservation of land or water-bodies in an essentially natural condition.	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	Y	Y
l. Cemetery.	SP	SP	SP	N	N	N	SP	<i>N</i>	<i>N</i>	N	N	N
m. Road and/or railroad.	Y	Y	SP	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	SP	SP
3.22 Residence												
a. Single-family detached dwelling other than a mobile home.	Y	Y	Y	N	N	SP	SP	<i>N</i>	<i>Y</i>	SP	N	Y
b. Conversion of a single-family dwelling existing prior to the adoption of this By-Law to accommodate not more than two (2) families.	SP	SP	SP	SP	SP	SP	SP	<i>Y</i>	<i>SP</i>	SP	N	SP
c. Cellar hole or basement area used as a dwelling for not more than two (2) years.	Y	Y	N	N	N	N	N	<i>N</i>	<i>N</i>	SP	N	SP
d. Two (2) family or semi-detached dwelling.	SP	SP	N	N	N	SP	N	<i>N</i>	<i>SP</i>	SP	N	SP
e. Mobile home park not including mobile home sales except to renters of lots within the park.	N	SP	N	N	N	N	N	<i>N</i>	<i>N</i>	N	N	N

[illegible]

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
floricultural, or horticultural commodities; the keeping of bees; and forestry or lumbering operations.												
Parcels less than five (5) acres	SP	SP	SP	Y	Y	SP	SP	<i>N</i>	<i>N</i>	Y	Y	SP
Parcels of five acres (5) or larger	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	Y	SP
b. Farm – Including dairying, the raising, breeding, keeping and preparing for market or storage of livestock, cattle, poultry, swine, and other domesticated animals used for food purposes, and fur-bearing animals.												
Parcels less than five (5) acres	SP	SP	SP	Y	Y	SP	SP	<i>N</i>	<i>N</i>	Y	Y	SP
Parcels of five (5) acres or larger	Y	Y	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	Y	Y	SP
c. Sales room or stand for the display or sale of agricultural or horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor.	Y	Y	Y	Y	Y	Y	Y			Y	Y	SP
<i>d. Seasonal Farm Stand, non-exempt</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	-	<i>N</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>
3.21 Business												
a. Retail store distributing	N	N	SP	Y	Y	Y	Y	<i>Y</i>	<i>SP</i>	SP	N	N

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
merchandise to the general public.												
a.(1) Adult Entertainment Establishments, as defined in Section 5.12	SP	SP	SP	SP	SP	SP	SP	<i>N</i>	<i>N</i>	SP	SP	SP
b. Craft, consumer, professional, <i>personal</i> or commercial service establishment dealing directly with the general public.	N	N	SP	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	SP	N	N
c. Office or agency for non-resident business or professional use.	SP	N	Y	Y	Y	Y	Y	<i>Y</i>	<i>Y</i>	SP	N	N
d. Bank or other financial institution.	N	N	N	Y	Y	Y	Y	<i>Y</i>	<i>N</i>	SP	N	N
<i>e. Drive-up bank or other financial institution.</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	-	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>
f. Restaurant, <i>tavern</i> or other establishment providing food and beverage within a building.	SP	SP	SP	Y	Y	Y	Y	<i>Y</i>	<i>SP</i>	SP	N	N
<i>g. Outdoor seating associated with restaurants, taverns or other establishment providing food or beverage (Subject to applicable licensing requirements).</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	-	<i>Y</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>
h. Restaurant or other establishment providing food, beverages, and live entertainment within a building.	N	N	SP	SP	SP	SP	Y	<i>SP</i>	<i>N</i>	N	N	N
<i>i. Pushcart food vendor</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>Y</i>	<i>N</i>	<i>Y</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
j. Drive-in or open-air restaurant or other establishment providing food and beverages with no live or mechanical entertainment. <i>No drive-through restaurants allowed in VC-C District</i>	N	SP	SP	Y	Y	SP	SP	<i>SP</i>	<i>N</i>	SP	N	N
k. Sales facility for motor vehicles, trailers, mobile homes, boats, farm implements or machinery with repair services and storage permitted.	N	N	N	SP	SP	Y	SP	<i>N</i>	<i>N</i>	SP	N	N
l. Service station and/or repair garage for motor vehicles, not including auto body, welding or soldering shop.	N	N	SP	Y	Y	SP	SP	<i>N</i>	<i>N</i>	SP	N	N
<i>m. Gas station with convenience store</i>	<i>N</i>	<i>N</i>	<i>SP</i>	<i>Y</i>	<i>Y</i>	<i>SP</i>	-	<i>N</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>
n. Auto body, welding or soldering shop.	N	N	N	SP	SP	SP	N	<i>N</i>	<i>N</i>	SP	N	N
o. Commercial greenhouse.	SP	Y	SP	Y	Y	SP	SP	<i>N</i>	<i>SP</i>	SP	N	N
p. Undertaking establishment or funeral home.	SP	N	N	SP	SP	Y	Y	<i>SP</i>	<i>SP</i>	N	N	N
q. Animal or veterinary hospital.	N	SP	N	Y	Y	SP	N	<i>N</i>	<i>N</i>	N	N	N
r. Commercial sale, care, breeding or boarding of dogs, cats, or other domestic pets.	SP	SP	SP	SP	SP	Y	N	<i>N</i>	<i>N</i>	SP	N	N
s. Drive-in or open-air business other	N	N	SP	SP	SP	SP	SP	<i>SP</i>	<i>SP</i>	N	N	N

[illegible]

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
a. Freight and terminal or storage warehouse.	N	N	N	Y	Y	N	N	<i>N</i>	<i>N</i>	Y	N	N
b. Wholesale warehouse including office or showroom facilities.	N	N	N	Y	Y	N	N	<i>N</i>	<i>N</i>	Y	N	N
c. Passenger station.	N	N	N	SP	SP	Y	Y	<i>Y</i>	<i>N</i>	SP	N	N
d. Airport or heliport.	N	SP	N	SP	SP	N	N	<i>N</i>	<i>N</i>	SP	N	N
e. Light industrial use including manufacturing, processing, fabrication, assembly, packaging and storage.	N	N	N	Y	Y	SP	N	<i>N</i>	<i>N</i>	Y	N	N
f. Excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits.	N	SP	N	SP	SP	N	N	<i>N</i>	<i>N</i>	SP	SP	SP
g. Reclamation, processing, storage and sale of scrap materials.	N	N	N	Y	SP	N	N	<i>N</i>	<i>N</i>	Y	N	N
h. Light industrial use including research and development within a building.	SP	N	N	Y	Y	SP	SP	-	-	Y	N	N
3.26 Scientific Research and Development												
a. Activities connected with scientific research or scientific development or related production.	SP	SP	N	Y	Y	Y	Y	<i>SP</i>	<i>SP</i>	Y	N	SP

Use	R-A	R-B	G-B	LI-A	LI-B	B	VC	<i>VC-C</i>	<i>VC-R</i>	I	W	WSP
b. Accessory use necessary in connection with scientific research, scientific development, or related production.	SP	SP	N	Y	Y	Y	Y	<i>SP</i>	<i>SP</i>	Y	N	SP

Proposed new Special Conditions under Section 3 for the Village Center

Section 3.35– Village Center

- a. Retail operations with more than ten thousand (10,000) square feet of gross floor area on any individual floor shall be prohibited in the Village Center - Commercial and Village Center-Residential Zoning Districts.***
- b. More than one principle building shall be allowed on any lot located in the Village Center - Commercial and Village Center - Residential Zoning Districts, subject to issuance of a Special Permit by the Planning Board that such buildings would be in keeping with the purpose of the Village Center Zoning District(s), per Section 2.1 of the Zoning Bylaw, and the following findings:***
 - 1. No principal building shall be located in relation to another principal building on the same lot, or on adjacent lot, so as to cause danger from fire;***
 - 2. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;***
 - 3. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.***

5.12.3 Adult Entertainment Overlay District

The Adult Entertainment Overlay District is established over all the zoning districts of the Town of Ashburnham, ***except for the Village Center – Commercial and Village Center – Residential zoning districts***. The Adult Entertainment Overlay District use regulations shall be as herein described in the Adult Entertainment District.

TABLE 1

4.2 SCHEDULE OF DIMENSIONAL REGULATIONS

(4) District	Minimum Lot Dimension		Minimum Yard Dimensions (3)			Maximum Building Height		Maximum Lot Coverage (%)
	Area (sq. ft.)	Frontage (feet)	Front	Side (feet)	Rear	(stories)	(feet)	
* R-A	*45,000	*150	20	10	10	2 ½	35	25
**R-B	**60,000	*200	40	25	25	2½	35	20
G-B	60,000	200	40	25	25	2½	40	20
LI-A	60,000	150	40	25	25	3	40	40
LI-B	60,000	150	40	25	25	3	40	40
*B	*25,000	*125	20	10	10	3	40	40
V-C	25,000 (6)	125	20 (5)	10	10	3	40	50
VC-C	0	20	0	0	0	3	40	50
VC-R	10,000	75	20	10	10	2 1/2	35	50
I	60,000	150	40	25	25	3	40	30
W	(1)	(2)		(2)		(2)		(2)
**WSP		**90,000						

(1) The portion of any lot in the Wetland and Watershed Protection District may be used to meet the area and yard requirements for the Residential District in which the remainder of the lot is situated provided not less than twenty thousand (20,000) square feet of said lot is outside the Wetland and Watershed Protection District. Land in the Wetland and Watershed Protection District may not be used to meet area requirements in the Business and Industrial Districts.

(2) Not applicable.

(3) The yards defined herein shall, except for customary walks and driveways, be kept open and/or landscaped and shall not be used for the parking or storage of automobiles, trucks, recreational vehicles, trailers and boats.

(4) Includes accessory buildings.

~~(5) In the Village Center District, the following additional front yard provisions shall apply:~~

~~(a) The maximum front yard setback permitted shall be thirty (30) feet.~~

- ~~(b) A minimum of 80 per cent of the front yard shall be landscaped open space; excluding, in the opinion of the Zoning Board of Appeals, that access is limited due to the grade of level being greater than ten percent (10%).~~
- ~~(c) The Zoning Board may, by special permit, reduce the required size of a front yard setback in the V-C District.~~

- ~~(6) The minimum lot area for assisted elderly or supportive housing developments shall be 12,000 square feet or 1,000 square feet multiplied by the number of sleeping rooms, whichever is greater.~~

*EFFECTIVE DATE Minimum Lot Dimensions
Boston, Massachusetts

July 19, 1973

The foregoing amendment to Zoning By-Laws adopted under Article 10 is hereby approved.
Robert H. Quinn, Attorney General

** Minimum Lot Dimensions Amended – July 1, 1986, - Francis X. Bellotti, Attorney General

Explanation:

The Village Center Zoning District Study Committee was appointed for the purpose of studying the Village Center Zoning District (VCZD) and making recommendations for changes. As you may know, the Committee was formed by the November 15, 2007 Special Town Meeting. The current VCZD covers the area from the intersection of Main Street and River Styx Road running north on Main Street through the center of town to the intersection of Corey Hill Road, Lashua Road and Winchendon Road. The Village Center District also runs north along Water Street and includes the entire downtown area including portions of Chapel Street, Lawrence Street, Pleasant Street, Puffer Street, Maple Avenue, River Street and the surrounding areas.

The Committee was charged with looking at the Village Center District to see if changes could be made to the district to accomplish the following goals:

- Preserving the historical nature of our downtown
- Blending residential and residential “friendly” commercial uses within the zoning district
- Streamlining the permitting process

As part of our work, the Committee members have taken walking tours throughout the Village Center District making note of the unique features of each house and lot. We examined the existing Zoning Bylaw and the procedures for developing land in the district. We also looked at other communities’ bylaws for innovative ideas.

As a result of the Committee’s multi-year study, we have decided to separate the “old” Village Center District into two new distinct zoning districts: the Village Center Commercial District and the Village Center Residential District. These two districts are closely tailored to the layout of the neighborhoods. We propose to change the Zoning Map, the Table of Uses, the Dimensional Requirements within each district and the permitting procedure for developing parcels within these districts.